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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JOSEPH G SIMMONS JR,

11 Plaintiff,

12 v.

13 DEBORAH J WOFFARD, et al.,

14 Defendant.

CASE NO. C11-5999 BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

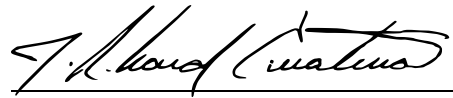
15 The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate
16 Judge, J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b) (1) (A) and (B),
17 and local Magistrate Judge Rules MJR3 and MJR4.

18 Plaintiff asks the Court to compel defendants to agree to tape recorded depositions (ECF
19 No. 36). While plaintiff asserts that he has attempted to confer in good faith, defense counsel
20 disputes that issue (ECF No. 43). Plaintiff alleges he sent defendant's counsel a letter (ECF No.
21 36). Defense counsel alleges he did not receive any letter, but that after this motion was filed he
22 did contact plaintiff telephonically (ECF No. 43). Defendants also oppose the motion on the
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1 merits and argue that the parties will attempt to reach an agreement regarding this issue (ECF
2 No. 43).

3 Plaintiff has not provided any evidence showing that the parties conferred in good faith.
4 Fed. R. Civ. P. 37 and Local Rule 37 both require a good faith effort to settle discovery disputes
5 before filing a motion. This alone is grounds for denial of the motion. The motion is DENIED.
6 Having reached this conclusion the Court will not address this issue on the merits at this time.

7 Dated this 8th day of June, 2012.

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10 J. Richard Creatura
United States Magistrate Judge